

DETAILED ACTION

Claim Objections

Claims 11 and 12 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from a previous multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5, 9, 10 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al (US 4,698,895).

Miller et al discloses a driveway for magnetically levitated vehicles comprised of a series of drive modules, shown in figure 2, mounted to a primary supporting framework 1. The drive modules are connected to the framework by a series of fasteners. The fasteners are comprised of a nut and threaded bolt. Mounted with the threaded bolt is a band shaped collar and metal sheet bushing. Each drive module is attached to the framework using a pair of bearing assemblies for each end of the attached segment. The bearing assemblies being of a nut, bolt and bushings allow for removal of both the bearing assembly and the drive module.

Allowable Subject Matter

Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 14-16 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kindmann et al (US 5,131,132) and Raschbichler et al (US 5,850,794) both disclose track assemblies for magnetically levitated vehicles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. McCarry, Jr. whose telephone number is (571) 272-6683. The examiner can normally be reached on Monday through Friday 7:00am to 3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joseph Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Joseph Morano/
Supervisory Patent Examiner, Art Unit 3617

/R. J. McCarry Jr./
Examiner, Art Unit 3617

RJM
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